

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KPN B.V.

Plaintiff,

- against-

CORCYRA D.O.O.,
KSD PACIFIC, LLC,
MOSHE HAR ADIR, and
YOSSI ATTIA

**DECLARATION OF MOSHE
HAR ADIR IN SUPPORT OF
MOTION TO DISMISS AND
MOTION TO QUASH FILED
BY MOSHE HAR ADIR**

Civil Action No. 08 CV 1549 (JGK)

Defendants.

I, MOSHE HAR ADIR, being first duly sworn, declare and allege as follows:

1. I have personal knowledge of the herein facts and if called as a witness I could, and would, so competently testify.

2. I have not yet seen, or received, any copy of the Summons or Complaint. I have been told that the proof of service of the Summons and Complaint states that I was being served with the Summons and Complaint by leaving a copy with Elliot Lutzker (a New York attorney) and by Federal Express overnight delivery to Verdula 17, Pula, Croatia 52100. I am signing this Declaration on the assumption that what I have been told thus far is true.

3. I am an Israeli citizen who currently resides in Israel and was residing in Israel at the time of the alleged service. I have not conducted business in the State of New York and have not ever resided in the State of New York. Elliot Lutzker is not my attorney and is not authorized to accept service of process on my behalf. Nor has Elliot

Lutzker ever been authorized to accept service of process on my behalf . Verdula 17, Pula Croatia is not my current address, place of residence, domicile or business address and was not my address, place of residence, domicile or business address at the time of the alleged service of process.

4. I have not appointed anyone to receive any service of process on my behalf.

5. I was not directly involved in the negotiations regarding the transaction at issue in this case. I am informed and believe that the negotiations took place in the Netherlands, Germany and California between other parties in or about 2004 and 2005. I was in Croatia and did not have any contact with New York or conduct any business in New York during that time. I have not done business in the State of New York nor had an office, employees or bank account in the State of New York at any time.

6. I signed the stock purchase documents in Europe on behalf of Corcyra d.o.o. (Corcyra) as a corporate officer. I also signed the two letters (dated, I understand, January 28, 2005 and April 28, 2006) attached as Exhibits “7” and “8” to the Complaint (I am told) in Europe and directed each of the letters to the KPN office in the Netherlands. I personally did not agree to venue and jurisdiction in New York.

7. I have been told that the Plaintiff is contending that I was served with the Summons and Complaint and, perhaps, other papers at 164 N. Stanley Drive, Beverly Hills, California (“STANLEY”). That address is not my address, and never has been my address. I do not now live or reside at STANLEY, and I have never lived or resided at STANLEY. I have never conducted any business at STANLEY. To the best of my knowledge only Yossi Attia, and his direct family, lives at STANLEY.

8. I have never authorized Yossi Attia, nor any member of his family (nor any "Jane Doe"), to accept service of process on my behalf, including specifically any document or pleading related to this case.

I declare under penalty of perjury pursuant to the Laws of the United States of America, the State of Israel, and the State of New York that the preceding is true and correct.

Executed in the State of Israel this 30 day of May, 2008.



Moshe Har Adir